UNITED STATES PATENT AND TRADEMARK OFFICE

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10/524,961	09/28/2005	Jeffrey Wilson	DYOUP0286US	3621

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EXAMINER
BROOKS, SHANNON

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
		10/524,961	WILSON, JEFFREY
Office Action Summary		Examiner	Art Unit
		SHANNON R. BROOKS	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,19-35 and 39-42* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-15,19-35 and 39-42* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *7/30/08*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/30/08

has been entered.

Response to Arguments

2.   Applicant's arguments filed 7/30/08 have been fully considered but they are not

persuasive.

The argued features, i.e., means operable to support execution of one or more messaging

applications, wherein an application may be executed for each of any or all messages that arrive

at the apparatus in a mobile originated format; means for storing message attributes matched to

respective messaging applications; means for comparing, for each message, an attribute of that

message with the stored message attributes, and operable thereby to select the respective

messaging application on the basis of the comparison; and means for executing the selected

messaging application, execution of the selected application including processing, transforming

and/or routing the respective message.

Bennett is discussing methods for facilitating communication among a plurality of

different telecommunications systems. Communications from a sending network are

forwarded to a server that places the communications in a format acceptable to a second

receiving network. The server maps an incoming message into a variety of formats in accordance

with a format acceptable by a receiving network. Communications may include short messages

service (SMS) messages in which the sending and receiving telecommunications systems each

have different routing information, such as different electronic addressing formats. Bennett

teaches three users sending mobile originating (MO) messages over the Web, by WAP phone,

and by MO SMS phone across the network to an end user (Fig. 1, and [0019]-[0025]).

Therefore, Bennett clearly meets the claim limitation of "means operable to support execution of

one or more messaging applications, wherein an application may be executed for each of any or

all messages that arrive at the apparatus in a mobile originated format." Bennet clearly teaches a

server that applies different formats and mappings to messages that use different networks and

protocols. Therefore, Bennett clearly teaches "means for storing message attributes matched to

respective messaging applications". Bennett teaches a server that acts as a broker, translator, or

reformatter of messages for different network types. Therefore, Bennett clearly teaches "means

for comparing, for each message, an attribute of that message with the stored message attributes,

and operable thereby to select the respective messaging application on the basis of the

comparison". Bennett discusses executing applications that transform voice to e-mail or e-mail

to voice and sending the results to destinations. Therefore, Bennett clearly teaches "means for

executing the selected messaging application, execution of the selected application including

processing, transforming and/or routing the respective message."

The Applicant has argued specifically that the MO messages of Bennett are different

from the MO messages of the Applicant because the Applicant, in contrast to Bennett, teaches

MO messages that arrive in the MO path at the apparatus in MO format. The applicant argues

further that Bennett teaches a scheme in which the apparatus receives messages that have already

passed through a Short Message Service Center and therefore must arrive at the terminal in

mobile terminated (MT) format. The Examiner respectfully disagrees. Bennet discloses an

apparatus (The Web server and SMS router, item 24, Fig. 1) that receives a message (from user

12 to be routed to end user 20 of Fig. 1) that arrive at the SMS router (item 24) before passing

through a SMSC (item 18) (Pg. 3, [0032]). The apparatus can clearly handle messages that

arrive in one or more messaging format (Pg. 5, [0062]). Therefore, Bennett clearly reads on the

argued limitation of "means operable to support execution of one or more messaging

applications, wherein an application may be executed for each of any or all messages that arrive

at the apparatus in a mobile originated format." Note that the definition provided by the

Applicant for MT and MO formats is " mobile originated (MO), mobile originated format,

mobile terminated, and mobile terminated format have their accepted meanings according the

generally recognized technical specifications for mobile telecommunication services.

Accordingly, an MO message is an originating message that has not previously passed through

an SMSC providing a store-and-forward function for the telecommunications network whereas

an MT message is an MO message that has been converted by the SMSC to a mobile terminated

format." The Applicant argues that rejections advanced by the Examiner should be withdrawn

based upon an inconsistent interpretation of the meanings of MO and MT messages. The

Examiner respectfully disagrees for reasons previously stated.

Further, Bennett, Allison, McCann, and Khello, alone or in combination, read upon the

argued limitations as discussed above and read on the argued limitations as set forth in the

following office action.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

5.   **Claims 1-5, 7-8, 10, 12-15, 21-25, 27-28, 30, 32-35, and 41-42** are rejected

under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 2002/0112041 A1) in

view of Allison (US 2003/0083078 A1).

Consider **Claim 1**, Bennet teaches telecommunications services apparatus for use with a

telephone network, the apparatus comprising: means operable to support execution of one or

more messaging applications, wherein an application may be executed for each of any or all

messages that arrive at the apparatus **(Pg. 5, [0062])** in a mobile originated format **(read as a**

message format that has not previously passed through an SMSC and becoming MT after

passing through an SMSC, Pg. 3, [0032]); means for storing message attributes **(read as**

server, Pg. 5, [0062]) matched to respective messaging applications **(read as different types of**

sources for message creation, Pg. 5, [0062] and Pg. 5, [0069]); means for comparing, for each

message, an attribute of that message with the stored message attributes, and operable thereby to

select the respective messaging application on the basis of the comparison **(read as broker,**

translator, or reformatter, Pg. 5, [0062]); and means for executing the selected messaging

application, execution of the selected application including processing, transforming **(read as**

voice-to-email or email-to-voice) and/or routing the respective message **(Pg. 4, [0050]-[0052])**.

Bennett does not specifically and definitively teach an attribute. However, Allison

teaches an attribute **(Pg. 2, [0016])**.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to

incorporate the teaching of Allison into Bennet to aid in the identification of a sending or

receiving party **(Pg. 2, [0016])**.

Consider **Claim 21**, Bennett teaches a telecommunications services method for a

telephone network, the method comprising: supporting execution of one or more messaging

applications, wherein an application may be executed for each of any or all input messages **(Pg.**

5, [0062]) received in a mobile originated format **(read as a message format that has not**

previously passed through an SMSC and becoming MT after passing through an SMSC,

Pg. 3, [0032]) ; storing message **attributes (read as stored in server, Pg. 5, [0062])** matched to

respective messaging applications **(read as different types of sources for message creation,**

Pg. 5, [0062] and Pg. 5, [0069]); comparing, for each message, an attribute of that message with

the stored message attributes, and thereby selecting the respective messaging application on the

basis of the comparison **(read as broker, translator, or reformatter, Pg. 5, [0062])**; and

executing the selected messaging application, execution of the selected application including

processing, transforming **(read as voice-to-email or email-to-voice)** and/or routing the

respective message **(Pg. 4, [0050]-[0052])**.

Bennett does not specifically and definitively teach an attribute. However, Allison

teaches an attribute **(Pg. 2, [0016])**.

Therefore, it would have been obvious to one skilled in the art at the time of the invention

to incorporate the teaching of Allison into Bennet to aid in the identification of a sending or

receiving party **(Pg. 2, [0016])**.

Consider **Claim 2**, Bennett teaches apparatus, wherein the message attributes include

destination address **(Pg. 3, [0032] and [0047, and Pg. 4, [0049] and [0057])**.

Consider **Claim 3**, Bennett teaches apparatus, wherein the message attributes include

destination address type **(Pg. 3, [0040] and [0043], Pg. 4, [0057], Pg. 5, [0062], and Pg. 5,**

Table 1).

Consider **Claim 4**, Bennett teaches apparatus, wherein the message attributes include

originating address **(Pg. 4, [0052] and Pg. 8, [0094])**.

Consider **Claim 5**, Bennett teaches apparatus, wherein the message attributes include

originating address type **(read as MIN, phone number, or email address, Pg. 4, [0052] and**

Pg. 8, [0094, and Pg. 5, [0062] and Table 1].

Consider **Claim 7**, Bennett teaches apparatus, wherein the message attributes include message content **(Pg. 7, [0086]-[0087])**.

Consider **Claim 8**, Bennett teaches apparatus, comprising at least one SMS router for routing messages to the means operable to support execution of one or more messaging applications **(Fig. 1, Blocks 18 and 26c)**.

Consider **Claim 10**, Bennett teaches apparatus, comprising a message transformation means for parsing, interpreting and transforming message content and addressing in order to generate a response message **(Pg. 4, [0050]-[0052] and Pg. 5, [0062] and [0069])**.

Consider **Claim 12**, Bennet teaches apparatus, wherein the response message is routed via the SMS router **(read as server 24, Pg. 5, [0062])**.

Consider **Claim 13**, Bennett teaches apparatus, wherein the response message is in mobile terminated form **(read as a received message from the network, Pg. 2, [0025])**.

Consider **Claim 14**, Bennet teaches apparatus, wherein the response message is routed over a data network **(Pg. 2, [0025] and Pg. 4, [0053])**.

Consider **Claim 15**, Bennett teaches apparatus, wherein the message transformation means is operable to return a response message back to the original sender without requiring a routing query to a home location register (HLR), the response addressing and routing information being derived from the original message **(Pg. 5, [0069]**.

Consider **Claim 22**, Bennett teaches a method according to claim 21, wherein the message attributes include destination address **(Pg. 3, [0032] and [0047, and Pg. 4, [0049] and [0057])**.

.   Consider **Claim 23**, Bennett teaches a method according to claim 21, wherein the

message attributes include destination address type **(Pg. 3, [0040] and [0043], Pg. 4, [0057], Pg. 5, [0062], and Pg. 5, Table 1)**.

Consider **Claim 24**, Bennett teaches a method according to claim 21, wherein the message attributes include originating address **(Pg. 4, [0052] and Pg. 8, [0094])**.

Consider **Claim 25**, Bennett teaches a method according to claim 21, wherein the message attributes include originating address type type **(read as MIN, phone number, or email address, Pg. 4, [0052] and Pg. 8, [0094, and Pg. 5, [0062] and Table 1]**.

Consider **Claim 27**, Bennett teaches a method, wherein the message attributes include message content **(Pg. 7, [0086]-[0087])**.

Consider **Claim 28**, Bennett teaches a method according to claim 21, including routing messages via at least one SMS router for execution of one or more messaging applications **(Fig. 1, Blocks 18 and 26c)**.

Consider **Claim 30**, Bennett teaches a method according to claim 21, comprising a message transformation step for parsing, interpreting and transforming message content and addressing in order to generate a response message **(Pg. 4, [0050]-[0052] and Pg. 5, [0062] and [0069])**.

Consider **Claim 32**, Bennett teaches a method, wherein the response message is routed via the SMS router **(read as server 24, Pg. 5, [0062])**.

Consider **Claim 33**, Bennett teaches a method according to claim 30, wherein the response message is in mobile terminated form **(read as a received message from the network, Pg. 2, [0025])**.

Consider **Claim 34**, Bennett teaches a method, wherein the response message is routed

over a data network **(Pg. 2, [0025] and Pg. 4, [0053]).**

Consider **Claim 35**, Bennett teaches a method according to claim 30, wherein the message transformation step is operable to return a response message back to the original sender without requiring a routing query to a home location register (HLR), the response addressing and routing information being derived from the original message **(Pg. 5, [0069.**

Consider **Claim 41**, Bennett teaches a computer program for implementing a method according to claim 21 **(Fig. 1a).**

Consider **Claim 42**, Bennet teaches a storage medium storing a computer program according to claim 41 **(Fig. 1a).**

6.   **Claims 6, 11, 19-20, 26, 31, and 39-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 2002/0112041 A1) in view of Allison (US 2003/0083078 A1) and further in view of McCann (US 2001/0029182 A1).

Consider **Claim 6**, Bennett teaches apparatus, except that it does not specifically teach the apparatus wherein the message attributes include signaling fields.

However, McCann teaches the apparatus wherein the message attributes include signaling fields **(Pg. 8, [0069]).**

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to aid in processing **(Pg. 8, [0069]).**

Consider **Claim 11**, Bennett teaches apparatus, except that it does not specifically teach

the apparatus wherein the response message is generated according to a programmable table of exceptions.

However, McCann teaches the apparatus wherein the response message is generated according to a programmable table of exceptions **(Pg. 8, [0069]).**

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to aid in the processing of signaling messages **(Pg. 8, [0069]).**

Consider **Claim 19**, Bennett teaches apparatus, except that it does not specifically teach the apparatus wherein the routing query is an SRI-SM MAP message.

However, McCann teaches the apparatus wherein the routing query is an SRI-SM MAP message **(Pg. 4, [0042] and Fig. 13)**.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to determine if access to the requested node is actually necessary **(Pg. 10, [0085]).**

Consider **Claim 20**, Bennett teaches apparatus, except that it does not specifically teach the apparatus wherein the routing information obtained from the original message is in the form of an international mobile subscriber identifier (IMSI) and a visitor location register (VLR) address corresponding to the sender's location.

However, McCann teaches the apparatus wherein the routing information obtained from the original message is in the form of an international mobile subscriber identifier (IMSI) and a visitor location register (VLR) address corresponding to the sender's location **(Pg. 6, [0054]).**

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to facilitate directing signaling messages **(Pg. 6, [0054])**.

Consider **Claim 26**, Bennett teaches a method, except that it does not specifically teach a method wherein the message attributes include signalling fields.

However, McCann teaches a method wherein the message attributes include signaling fields **(Pg. 8, [0069])**.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to aid in processing **(Pg. 8, [0069])**.

Consider **Claim 31**, Bennett teaches a method, except that it does not specifically teach a method wherein the response message is generated according to a programmable table of exceptions.

However, McCann teaches the method wherein the response message is generated according to a programmable table of exceptions **(Pg. 8, [0069])**.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to aid in the processing of signaling messages **(Pg. 8, [0069])**.

Consider **Claim 39,** Bennett teaches a method, except that it does not specifically teach a method wherein the routing query is an SRI-SM MAP message.

However, McCann teaches the method wherein the routing query is an SRI-SM MAP message **(Pg. 4, [0042] and Fig. 13)**.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to determine if access to the requested node is actually necessary (Pg. 10, [0085]).

Consider **Claim 40**, Bennett teaches a method, except that it does not specifically teach a method wherein the routing information obtained from the original message is in the form of an international mobile subscriber identifier (IMSI) and a visitor location register (VLR) address corresponding to the sender's location.

However, McCann teaches the method wherein the routing information obtained from the original message is in the form of an international mobile subscriber identifier (IMSI) and a visitor location register (VLR) address corresponding to the sender's location **(Pg. 6, [0054])**.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of McCann into Bennett in order to facilitate directing signaling messages **(Pg. 6, [0054])**.

7.   **Claims 9, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 2002/0112041 A1) in view of Allison (US 2003/0083078 A1) and further in view of Khello (US 7027582 B2).

Consider **Claim 9,** Bennett teaches apparatus, except that it does not specifically teach an apparatus including an SMS service control point (SCP) such that service logic may operate in the SMS router in conjunction with centralised intelligence in the SMS SCP.

However, Khello teaches teach an apparatus including an SMS service control point
(SCP) such that service logic may operate in the SMS router in conjunction with centralised
intelligence in the SMS SCP **(Col. 7, lines 37-57).**

Therefore, it would have been obvious to one skilled in the art at the time of the invention
to incorporate the teaching of Khello into Bennett in order to provide an intelligent network
trigger **(Col. 7, lines 37-57).**

Consider **Claim 29**, Bennett teaches a method, except that it does not specifically teach a
method wherein service logic may operate in the SMS router in conjunction with centralised
intelligence in an SMS service control point (SCP).

However, Khello teaches teach a method wherein service logic may operate in the SMS
router in conjunction with centralised intelligence in the SMS SCP **(Col. 7, lines 37-57).**

Therefore, it would have been obvious to one skilled in the art at the time of the invention
to incorporate the teaching of Khello into Bennett in order to provide an intelligent network
trigger **(Col. 7, lines 37-57).**

Conclusion

8.   Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Shannon Brooks whose telephone number is (571) 270-1115. The

examiner can normally be reached on 7:30a.m. to 5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for

unpublished applications is available through Private PAIR only. For more information about

the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service Representative or access

to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist/customer service whose telephone number is (571) 272-

2600.

/Shannon R. Brooks/

Examiner, Art Unit 2617

Shannon Brooks

October 16, 2008

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617